IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITON NO.6479 OF 2005

Raigad Zilla Parishad & anr. .. Petitioners

v/s.

Smt.V.V.Patil & anr. .. Respondents

Mr.C.G.Gavnekar for the petitioners.

Mr.Anaokar for the respondents.

CORAM : SMT.NISHITA MHATRE, J.

DATED : 29th September, 2005

P.C.

This petition has been filed against the order dated 25th July, 2005 of the Industrial Court. The complaint was filed by the respondents contending that their orders of transfer issued on 8th July, 2005 were in violation of the Government circulars issued and which were applicable to the Zilla Parishad. The respondents contend that an unfair labour practice has been committed under items 3,5,9 and 10 of schedule IV of the MRTU & PULP Act. The respondents also sought a stay of the transfer orders by filing an application for interim relief. The said application has been allowed by the Industrial Court.

2. Mr.Gavnekar, learned advocate for the petitioners submits that by a circular issued on 15th June, 2005, the Zilla Parishad was entitled to issue transfer orders upto 8th July, 2005 and therefore, the transfer orders which were issued on that date are valid. He contends that the elections were held in the region where the respondents were employed and therefore, the

transfer orders could not have been issued since the Code of Conduct was applicable in that area.

3. The submission of Mr.Gavnekar is opposed by the advocate for the respondents. The learned advocate for the respondents contends that the respondents were not employed in the area where the elections were declared and therefore, the circular dated 15th June, 2005 could not be applicable. Moreover, according to the learned advocate, this circular was never produced before the Industrial Court and he, therefore, submits that the order of the Industrial Court must be sustained.

4. In my view, there is no need to disturb the order of the Industrial Court at this stage. The Industrial Court has passed the order on the basis of the documents placed before it. In the event the petitioners feel that the stay should be vacated, the Industrial Court can entertain such an application if the circumstances so warrant. Modification of its earlier order, impugned in this petition.

(SMT.NISHITA MHATRE, J.)